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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,097

10/22/2003

Michael J. Wookey

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05/03/2006

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EXAMINER

PHAM, MICHAEL

ART UNIT

PAPER NUMBER

2167

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,097

Applicant(s)

WOOKEY, MICHAEL J.

Examiner

Michael D. Pham

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

1. Claims 1 - 16 have been examined.
2. Claims 1 - 16 are pending.
3. Claims 1 - 16 are rejected as detailed below.

Priority

The application claims benefit to 60/469767 with filing date of 5/12/2003. Accordingly the application has been examined with an effective filing date of 5/12/2003.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show **element 612 as described in the specification**. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be

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labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR

1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description¹: **element 710 in figure 7**. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

1. The specification is objected to for minor informality. On [0123] it appears that the first appearance of 622 was to have meant to be 620.

¹ Appears 0129 discloses but no reference to 710

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2. The specifications is objected to for minor informality. On [0122] it appears what is meant is that step 616 is the validation step according to figure 6 and step 618 is the registering step. In [0122], it appears to suggest that 614 and 616 validate and register respectively.

3. The specifications is objected to for minor informality. On [0131] it suggests that 720 is a validating step; however from figure 7 it appears 716 is the validating step.

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Specifically, a computer readable medium defined in the specifications [0074], consists of a carrier wave. That is, the claim is not limited to embodiments which fall within a statutory category.

Claims 1-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Currently, claims are directed towards a data processing system that

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asynchronously receives data, provides data (i.e. mapping), registers the datatype, and tracks a registered datatype. However, no tangible result is produced.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application publication 2002/0095399 by Devine et. al. (hereafter Devine).

Claim 1:

A method in a data processing system having a program, the method comprising the steps of:

asynchronously receiving a data about a customer [0451, asynchronous service added when the subscriber is next online. Communicates using messages that include a variety of types of data.];

providing a datatype having a metadata that describes the data and a reference to the data, the data being maintained separately from the datatype [0018, subscription (i.e.

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datatype) is granted based on criteria (i.e. metadata that describes data and references the subscription). If subscription meets criteria, then service (i.e. data) that is stored by the publisher is granted.];

registering the datatype prior to the datatype's usage [Abstract, states that a publisher provides a service to registered service subscribers upon a trigger event. That is, before usage a subscription to the service must occur.]; **and**

tracking a usage of the registered datatype [[0591, tracks amount of resources used].

Claim 2:

The **method of claim 1, wherein the usage includes when the datatype is accessed** [0591, usage of subscription is taken into account of published service.].

Claim 3:

The **method of claim 1, wherein the usage includes when the datatype is published** [0591, usage of subscription is taken into account of published service.].

Claim 4:

The **method of claim 1, wherein the usage includes a recipient of the datatype when the datatype is published** [0591, subscriber connected device use of published service.].

Claim 5:

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The method of claim 1, wherein the usage includes a publisher of the datatype when the datatype is published [0055, Connected device can be a subscriber and a publisher. 0591 subscriber connected device use of published service.].

Claim 6:

The method of claim 1, wherein the usage includes a processing result of a processor that performs a processing using the datatype [0350, processing usage].

Claim 7:

The method of claim 1, further comprising the step of: using the usage to solve a problem related to the customer [0464, user (i.e. can be a customer) queries and system executes and runs a custom service for the user.].

Claim 8:

Claim 8 contains similar limitations as to claim 1 and is therefore rejected under the similar grounds of rejection.

Claim 9:

Claim 9 contains similar limitations as to claim 2 and is therefore rejected under the similar grounds of rejection.

Claim 10:

Claim 10 contains similar limitations as to claim 3 and is therefore rejected under the similar grounds of rejection.

Claim 11:

Claim 11 contains similar limitations as to claim 4 and is therefore rejected under the similar grounds of rejection.

Claim 12:

Claim 12 contains similar limitations as to claim 5 and is therefore rejected under the similar grounds of rejection.

Claim 13:

Claim 13 contains similar limitations as to claim 6 and is therefore rejected under the similar grounds of rejection.

Claim 14:

Claim 14 contains similar limitations as to claim 7 and is therefore rejected under the similar grounds of rejection.

Claim 15:

Claim 15 contains similar limitations as to claim 1 and is therefore rejected under the similar grounds of rejection.

Claim 16:

Claim 16 contains similar limitations as to claim 1 and is therefore rejected under the similar grounds of rejection.

Conclusion

The prior art made of record listed on PTO-892 and not relied upon, if any, is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924.

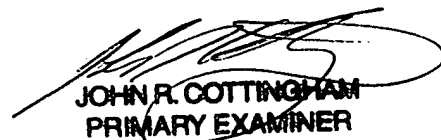
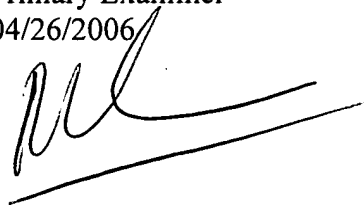
The examiner can normally be reached on Monday - Friday 9am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Pham
Art Unit 2167
Examiner
04/26/2006

Debbie Le
Art Unit 2168
Primary Examiner
04/26/2006



JOHN R. COTTINGHAM
PRIMARY EXAMINER